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25 UNITED STATES DISTRICT COURT  
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF JENNIFER SASS IN  
SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

**DECLARATION OF JENNIFER SASS, PH.D.**

I, Jennifer Sass, Ph.D., declare as follows:

1. I make the following declaration from personal knowledge, information, and belief, and if called to testify, I could competently testify thereto.

2. I am a Senior Scientist for plaintiff Natural Resources Defense Council (NRDC).

3. I have advanced degrees in Anatomy and Cell Biology, with specific expertise in developmental biology, neurobiology, molecular biology, and environmental health. I have published over fifty articles in peer-reviewed scientific journals, including many pertaining to pesticide hazards and regulations. On numerous occasions, I have provided testimony and scientific briefings to Congress relevant to U.S. federal government science and policy practices, including the science and regulatory policies relevant to pesticide harms.

4. NRDC is a non-profit organization whose mission is to restore balance between the way we live and the world we live in. Among NRDC's priorities is protecting public health from the substantial adverse health effects caused by exposure to toxic chemicals.

5. I started working at NRDC in January 2001. In my position with NRDC, I am responsible for reviewing the science underlying many of the federal regulations of industrial chemicals and pesticides. Over the last two decades, in addition to publishing peer-reviewed articles and testifying to Congress, on behalf of NRDC, I have also provided written and oral testimony to the Environmental Protection Agency ("EPA") on the hazard assessment and registration of dozens of pesticides during EPA's registration process. I participate as a policy advocate on NRDC's behalf and help set the agenda for NRDC's priorities so that NRDC can most effectively leverage its resources.

6. I am aware of news reports of the federal cuts to the Centers for Disease Control's ("CDC") National Institute for Occupational Safety and Health ("NIOSH"). I am also aware of a letter to Congress in which NIOSH employees stated that over 90% of NIOSH employees have received "reduction-in-force" letters and have been placed on administrative leave pending more permanent layoffs.<sup>1</sup> NIOSH is a federal agency that focuses on research and making

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<sup>1</sup> <https://www.nbcnews.com/news/us-news/federal-workplace-safety-workers-letter-to-congress-rcna206076>

1 recommendations to prevent work-related injuries, illnesses, and deaths. NIOSH also provides  
2 information on safe levels of exposure to toxic materials and other hazards.

3         7. My work for NRDC heavily relies on information from NIOSH, including NIOSH's  
4 recommended exposure limits. NIOSH's exposure limits are unique compared to other exposure  
5 limits because they solely focus on health protection rather than other non-health factors. I use the  
6 NIOSH exposure limits to evaluate other proposed regulatory exposure limits in part to determine  
7 whether the proposed regulatory limits are protective of human health. I use this information in many  
8 ways in NRDC's advocacy--to draft comments on federal regulations, help NRDC team members  
9 draft proposed legislation, and help defend proposed legislation. This information also helps inform  
10 my advice on how NRDC can most effectively use its resources to achieve its goals.

11         8. Specifically for my work on ethylene oxide, NIOSH research has been a critical  
12 resource. NIOSH scientists studied the effects of ethylene oxide on sterilization workers. Sterilization  
13 workers include many women workers, making the industry somewhat unusual among chemical  
14 industry worker populations, such as ethylene oxide manufacturing facilities, which has less women  
15 working directly with ethylene oxide. NIOSH scientists conducted critical research on ethylene oxide  
16 and breast cancer based on the data they collected on sterilization workers. Based in large part on this  
17 NIOSH research, NRDC has been actively involved in advocating for stronger regulations and  
18 protections against the harmful effects of ethylene oxide. NIOSH is uniquely positioned to conduct  
19 this study because it has the legal authority to enter a workplace to conduct Health Hazard  
20 Evaluations (HHEs) to determine whether workers may be exposed to hazardous materials like  
21 ethylene oxide.<sup>2</sup> NIOSH's legal rights include access to relevant data and information held by the  
22 employer and the right to meet with employees to gather information.<sup>3</sup> Thus, NIOSH conducts  
23 independent health and safety investigations of workplaces and provides critical life-saving  
24 recommendations about preventing harm that can be used by employers, workers, and their  
25 representatives, researchers, and the public. If reductions in force proceed as reported at NIOSH, and  
26

27 <sup>2</sup> See NIOSH, Health Hazard Information (2000), <https://www.cdc.gov/niosh/docs/2000-133/pdfs/2000-133.pdf>  
28

<sup>3</sup> *Id.*

1 NIOSH will not continue to research the health impacts of ethylene oxide and other industrial  
2 chemicals, there will be a void of reliable scientific information on these health impacts that NIOSH  
3 used to fill. This will reduce NRDC's ability to advocate for strong health protections, especially for  
4 worker populations who are heavily exposed to industrial chemicals and fenceline communities that  
5 are at risk from exposure to ethylene oxide as an air pollutant.

6 9. NRDC's advocacy on pesticides also relies on information provided by NIOSH.  
7 NIOSH operates the Sentinel Event Notification System for Occupational Risks ("SENSOR"), which  
8 is a program that monitors pesticide-related illness and injury. This is the only national program that  
9 monitors health harms from pesticide exposures while at work. SENSOR aggregates reports from  
10 states, physicians, emergency room records, and workers' compensation claims. Importantly, NIOSH  
11 provides technical expertise to state health departments to track workplace pesticide poisoning  
12 incidents and illnesses, thus strengthening the capacity of states across the country to recognize,  
13 diagnose, and document pesticide illnesses. NIOSH experts compile data from the SENSOR-  
14 Pesticides Program and the National Poison Data System and reports the findings to the public in its  
15 Pesticide Illness and Injury Surveillance Program. I have used the public online data and mapping  
16 tools that NIOSH provides on its SENSOR webpages to see how often and in what states acute  
17 pesticide-related illnesses occur. This information is important for assessing whether EPA-required  
18 restrictions on pesticide use are effective at reducing human pesticide poisonings.

19 10. I represented NRDC in negotiating the most recent agreement under the Pesticide  
20 Registration Improvement Act (PRIA), called "PRIA5" in 2023. The PRIA5 agreement requires that  
21 EPA allocate some funding to support the NIOSH SENSOR program. My understanding at the time  
22 of this writing is that EPA has provided the funding to NIOSH as agreed.<sup>4</sup> If reductions in force  
23 proceed as reported at NIOSH, and NIOSH discontinues, stalls or downsizes the SENSOR program, I  
24 will lose a significant source of information that I rely on to understand the impact of pesticides and  
25 to advocate for measures that protect public health, including farmworkers and their families, on  
26 behalf of NRDC. I also use this information to answer requests for scientific information and analysis  
27

28 <sup>4</sup> See EPA, PRIA5 Implementation, <https://www.epa.gov/pria-fees/pria-5-implementation> (last visited May 13, 2025).

1 sent to me by NRDC partners. Providing this scientific support to NRDC partner organizations, that  
2 often work directly with worker populations, is a key responsibility of my job and critical to  
3 achieving NRDC's goal of protecting public health.

4 11. Often the health-protective measures that NRDC advocates for include use of  
5 respirators, such as the disposable filtering half facepiece respirator mask that are in common use.  
6 NIOSH tests respirators and certifies that they are effective. The most reliable effective "N95"  
7 respirator is one that is labeled as approved by NIOSH, which means it meets strict "quality  
8 assurance and performance requirements" for its stated purpose.<sup>5</sup> The EPA Agriculture Worker  
9 Protection Standard specifies a NIOSH approval number for required respirators. 40 C.F.R. §  
10 170.607(e)(3). The lack of NIOSH certification of respirators will undermine health-protective  
11 measures that specify the use of them, such as the EPA Agriculture Worker Protection Standard. This  
12 will negatively impact public health and undermine NRDC's advocacy for the use of these health-  
13 protective measures and NRDC's goal to protect public health.

14 12. Additionally, I am aware of reported restructuring to the CDC's Agency for Toxic  
15 Substances and Disease Registry ("ATSDR").<sup>6</sup>

16 13. Without NIOSH and ATSDR, I would not have comprehensive, national, scientific  
17 information for many pesticides and industrial chemicals. For example, NIOSH and ATSDR  
18 resources have been a great source of information with NRDC's advocacy regarding the pesticide  
19 glyphosate, a weed-killer and the main ingredient in "Roundup" herbicide products. I authored an  
20 NRDC expert blog on the cancer risks of glyphosate and advised other NRDC programs on setting  
21 their institutional agenda for glyphosate.<sup>7</sup> I regularly read ATSDR Toxicological Profiles for  
22 hazardous chemicals, which are detailed reports with expert interpretation of the relevant scientific  
23 information on human health concerns for many chemicals that I work on. I also frequently rely on  
24 ATSDR's short summaries of the human health concerns for hazardous chemicals, called "Tox  
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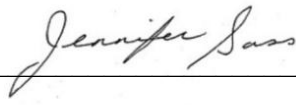
26 <sup>5</sup> NIOSH, *How To Tell If Your N95 Respirator is NIOSH Approved* (2021),  
27 <https://www.cdc.gov/niosh/docs/2021-124/pdfs/2021-124.pdf>

28 <sup>6</sup> <https://www.fedsmith.com/2025/03/27/hhs-announces-layoffs-as-part-of-dramatic-restructuring-plan/>

<sup>7</sup> <https://www.nrdc.org/bio/jennifer-sass/regulatory-failures-superweeds-and-glyphosate-cancers>

1 FAQs”, which summarize the scientific risk information, including how people may be exposed, what  
2 health harms are associated with exposure, and any regulatory exposure limits. For chemicals that I  
3 am preparing Agency comments on, I may check the ATSDR chemical health hazard reports and  
4 information on its website at least on a weekly basis for my work at NRDC. If ATSDR is unable to  
5 update and maintain this information because of reductions in force and reorganizations, then I will  
6 be substantially less able to do my work analyzing scientific information in support of NRDC’s  
7 advocacy.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
9 and correct. Executed May 14, 2025, in Kensington, Maryland.

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14 Jennifer Sass